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July 26, 2006

**VIA FEDERAL EXPRESS**

Mr. Charles A. Pearson  
Supervisory Patent Examiner  
Office of Petitions  
United States Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

RECEIVED  
2 AUG 2006  
Legal Staff  
International Division

Re: United States Patent Application Entitled  
SUBSTRATE FOR THIN FILM FORMATION  
U.S. Application Serial No. 10/516,849; Filed January 7, 2005  
International Application No.: PCT/JP03/08520; Filed July 4, 2003  
Inventor: Kenichiro MIYAHARA  
Our Ref.: Y04S022

Dear Mr. Pearson:

We write this letter to you regarding legal fees incurred due to errors on the part of the USPTO.

On December 3, 2004, Applicant submitted papers to enter the U.S. National Stage in the above-referenced PCT case.

On July 1, 2005, the USPTO mailed a Filing Receipt. We then realized that our case had gotten very mixed up with another case. It got combined with an entirely different case, belonging to an entirely different law firm.

On August 8, 2005, we submitted a proper Petition to the Director under 37 C.F.R. § 1.181 (please see attached Petition), requesting remedy of the major mix-up in the case.

During the next several months, I personally made many telephone calls to various members of the Office of PCT Legal Administration and Legal Office at the USPTO, following up and requesting action on the Petition. I especially made numerous calls to Mr. Bryan Tung at the Office of PCT Legal Administration. He said that the matter would get cleared up very soon, or sometimes would not return my calls at all.

Meanwhile, we continued to receive Official Notices with the mixed up identifying data, etc. belonging to the other law firm. No action apparently got taken on our case since filing the U.S. National Stage Entry papers on December 3, 2004.

Finally, after receiving no results after numerous attempts over several months, I made a

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Tokyo

Osaka

Philadelphia

Mr. Charles A. Pearson  
Page 2 of 2  
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telephone call to you, as his Supervisor. The very next day, Mr. Tung called me and said that he had taken care of the matter.

On February 9, 2006 (over a year after our National Stage filing) the USPTO finally mailed a correct Notice of Acceptance of Application Under 35 U.S.C. § 371 and 37 CFR § 1.495 and Filing Receipt (which still contained minor errors).

During the several months of trying to remedy the situation, we spent various attorney hours, amounting to a total bill to the client of \$1,640 (please see attached Invoice).

Our client is an independent inventor in Japan, who cannot afford to pay higher bills. Our law firm should not need to cover this amount, either.

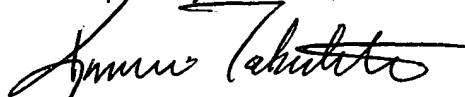
We sincerely believe that the USPTO should cover the amount of \$1,640 for attorney time, since the mix-up – and the long delay in remedying it – occurred entirely on the USPTO's side.

Therefore, we request that you provide our law firm of Omori & Yaguchi USA, LLC -- or the Applicant -- a USPTO credit or payment (for example, a credit to our **Deposit Account No.: 502270**) of the \$1,640.

We truly appreciate your helping to correct our client's case in the past. We now thank you in advance for addressing this issue regarding outstanding legal fees.

If you should have any questions regarding the above, or need any further information, please feel free to call me at (215) 701-6349.

Respectfully submitted,



Konomi Takeshita  
Registration No.: 38,333  
Omori & Yaguchi USA, LLC  
Agent For Applicant  
Eight Penn Center, Suite 1901  
1628 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
Phone No. (215) 701-6349

# OMORI & YAGUCHI

Eight Penn Center Suite 1901  
1628 John F. Kennedy Blvd.  
Philadelphia, PA 19103  
USA

## Invoice

| Date      | Invoice # |
|-----------|-----------|
| 5/31/2006 | 2531      |

**PENDING**  
(non-posting)

Mr. Kenichiro Miyahara  
2-17-14, Tenjin-cho, Fujisawa-shi  
Kanagawa-ken, 252-0814  
Japan

Case US Patent Application  
Your Ref: N/A  
Our Ref: Y04S022

| Item  | Qty | Rate   | Description  | Amount            |
|---|-----|--------|--|-------------------|
| Konomi Takeshita  | 1.2 | 200.00 | Various follow-up telephone calls with Brian Tung at Office PCT Legal Admin. of USPTO re: Petition to correct major mix-up files; telephone call to supervisor, Charles Pearson, in same | 240.00            |
| Konomi Takeshita  | 0.8 | 200.00 | Telephone calls with USPTO re: corrections to filing receipt   | 160.00            |
| Konomi Takeshita  | 0.9 | 200.00 | Reviewed errors in filing receipt and prepared Request For Correction; telephone calls to USPTO re: same   | 180.00            |
|   |     |        | TOTAL FEES   | 1,640.00          |
| Please remit to above address or PNC BANK- Philadelphia- Account No. 8615797016 |     |        | <b>Total</b>   | <b>\$1,640.00</b> |



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |   |                           |
|--|---|---------------------------|
| In re application of: Kenichiro MIYAHARA | ) | Docket Number:            |
|  | ) | Y04S022                   |
| Serial No.: 10/516,849                   | ) |                           |
|  | ) |                           |
| Filed: December 3, 2004                  | ) | Group Art Unit: Not known |
|  | ) |                           |
| FOR: SUBSTRATE FOR THIN FILM FORMATION,  | ) |                           |
| THIN FILM SUBSTRATE, OPTICAL             | ) |                           |
| WAVEGUIDE, LIGHT EMITTING DEVICE         | ) |                           |
| AND SUBSTRATE FOR LIGHT EMITTING         | ) |                           |
| DEVICE MOUNTING                          | ) |                           |

Attention: PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO THE DIRECTOR UNDER 37 C.F.R. § 1.181**

Dear Sir:

Review and immediate remedy in above identified U.S. National Stage patent application is respectfully requested. The following explanation and accompanying copies of documents describe the situation in relation to this application.

Applicant filed papers for entering the National Stage in the present PCT Application Publication No. WO 2004/005216 A1 on December 3, 2004. Along with the National Stage entry, Applicant filed a Preliminary Amendment, to improve the title of the invention and to cancel independent claims 4-25, leaving only independent claims 1-3.

Applicant then received the attached return postcard, showing the assignment of Serial No. 10/516,849 by the USPTO. On January 7, 2005, Applicant filed various formal papers, an English Language translation, and an IDS. The USPTO again returned the attached postcard,

indicating receipt of those papers.

However, we then received the attached Filing Receipt dated July 1, 2005, having Serial No. 10/516,489, rather than Serial No. 10/516,849. Although the receipt has the correct inventor name and the correct Customer Number, all of the other information is incorrect. It has an Attorney docket number from another law firm and the completely wrong title, priority data, etc.

Applicant received the attached Notice of New or Revised Projected Publication Date dated July 21, 2005, which also has the wrong data.

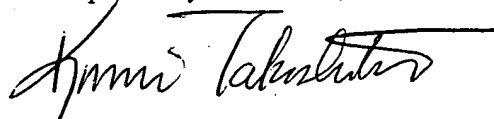
Apparently, the present application got combined with an entirely different case, belonging to another law firm. Also, the USPTO has apparently taken no action in relation to the present application, since its filing on December 3, 2004.

Applicant respectfully requests the immediate attention to and straightening out of this matter. Since this confusion results from handling on the part of the USPTO, Applicant believes it owes no fees relating to its remedy.

In the event of a need for further information, the Patent Office is requested to telephone the undersigned attorney in our Philadelphia, PA office by telephone at (215) 701-6349. All correspondence should be directed to our below listed address.

Date: August 8, 2005

Respectfully submitted,



Konomi Takeshita  
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